

To: Michael R. Heimbold(trademarksCC@sheppardmullin.com)
Subject: U.S. Trademark Application Serial No. 97657393 - WE ARE BOND - 37DD-361065
Sent: August 16, 2023 06:11:15 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[97271446](#)
[97271473](#)
[79316492](#)

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97657393

Mark: WE ARE BOND

Correspondence Address:

MICHAEL R. HEIMBOLD
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 AVENUE OF THE STARS, SUITE 1600
LOS ANGELES CA 90067
UNITED STATES

Applicant: Bond Creative, LLC

Reference/Docket No. 37DD-361065

Correspondence Email Address: trademarksCC@sheppardmullin.com

NONFINAL OFFICE ACTION

Response deadline. File a response to this nonfinal Office action within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the “How to respond” section below.

Request an extension. For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant's response to this letter within six months of the “Issue date” to avoid abandonment of the application.

Issue date: August 16, 2023

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant

must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SUMMARY OF ISSUES:

- Prior Pending Applications
- Identification of Services
- Multiple Class Application Requirements

SEARCH OF USPTO DATABASE OF MARKS

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting registered marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02. However, a mark in a prior-filed pending application may present a bar to registration of applicant's mark.

The filing date of pending U.S. Application Serial No. 79316492, 97271473 and 97271446 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

IDENTIFICATION OF SERVICES

The wording "production services for advertising purposes" in the identification of services is indefinite, misclassified and must be clarified because production of advertising services are in International Class 035. See 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant may substitute the following wording, if accurate:

Production services for advertising purposes, *namely, production of advertising materials* **in International Class 035;**

Graphic design services; Packaging design services; Website design and development for advertising purposes in International Class 042;

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably amended. See 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably amended. See TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the

ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). See TMEP §1402.04.

MULTIPLE-CLASS APPLICATION REQUIREMENTS

The application identifies goods and/or services in more than one international class; therefore, applicant must satisfy all the requirements below for each international class based on Trademark Act Section 1(b):

- (1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class.
- (2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the [USPTO's current fee schedule](#)). The application identifies goods and/or services that are classified in at least 2 classes; however, applicant submitted a fee(s) sufficient for only 1 class(es). Applicant must either submit the filing fees for the classes not covered by the submitted fees or restrict the application to the number of classes covered by the fees already paid.

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 1(b) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the [Multiple-class Application webpage](#).

ASSISTANCE

Please email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. See TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. File a [response form to this nonfinal Office action](#) or file a [request form for an extension of time to file a response](#).

/Lakeisha Lewis/
Lakeisha Lewis
Trademark Examining Attorney
Law Office 105
(571) 272-1910
lakeisha.lewis@USPTO.GOV

RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response or extension request must be received by the USPTO before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) [system availability](#) could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email TEAS@uspto.gov.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

(4) STANDARD CHARACTER MARK

BOND.

Mark Punctuated

BOND.

Translation

Goods/Services

- IC 035. US 100 101 102.G & S: Development, administration, and management of customer loyalty programs; Marketing, advertising and promotional services for others; Providing information in the field of branding, marketing, and advertising for others; collection and provision of market research and market research information; Collection, provision and analysis of market research data and statistics; business marketing and advertisement services; developing marketing strategies and marketing concepts for others; provision of marketing reports; customer relationship management; Providing information in the field of customer engagement, attitudes, and behaviours; Customer research; Providing advice relating to the analysis of customer buying habits; Brand management services; brand campaign services; brand architecture services; brand strategy, development and design services; social media strategy, development and design services; Business consultation, namely, consultation in the field of customer engagement, experience, motivation, and loyalty, and frequency of customer communication and transaction; design, development, execution and maintenance of customer acquisition, customer retention, and brand advocacy programs which promote the sale of goods and services of others; Providing information in the field of branding and marketing via a website; consultancy, advice and information relating to all the aforementioned services
- IC 042. US 100 101.G & S: Website design and development services; creative design services; Online non-downloadable software for customer relationship management, customer loyalty programs, customer engagement, and customer experience; online non-downloadable software for developing, managing, administrating, and monitoring performance of loyalty and incentive programs; online non-downloadable software for customer tracking, customer profiling, tracking customer engagement, customer acquisition, customer retention, customer information, and monitoring, tracking, and profiling consumer activities; online non- downloadable software for communicating with customers, and customer social engagement; online non-downloadable software for communicating with customers; online non- downloadable software for directed marketing and advertising; Online non-downloadable software for providing employee information, and monitoring and tracking of employee activities and performance; online non-downloadable software for employee training, development, and experience; online non-downloadable software for educational programming in the field of employee performance; Online non-downloadable software for employee learning management; Online non-downloadable software for brand advocacy programs; online non-downloadable software for marketing and advertising the goods and services of others; online non- downloadable software for developing and managing a website; online non-downloadable software for electronic commerce; Online non-downloadable software for facilitating interaction and communication between humans and artificial intelligence (AI); online non-downloadable software, namely, an interpretive interface for facilitating interaction between humans and machines; online non-downloadable chatbot software; Online non-downloadable software for security and fraud management; Online non-downloadable software for data processing, management and analytics;

Providing all the aforementioned via a website; consultancy, advice and information relating to all the aforementioned services

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

97271446

Filing Date

20220217

Current Filing Basis

1B;44D

Original Filing Basis

1B;44D

Publication for Opposition Date

Registration Number

Date Registered

Owner

(APPLICANT) BOND BRAND LOYALTY INC. CORPORATION CANADA 6900 Maritz Drive Mississauga CANADA L5W1L8

Priority Date

20220215

Disclaimer Statement

Description of Mark

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

DANIEL L. HOPPER

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM



Mark Punctuated

BOND.

Translation

Goods/Services

- IC 035. US 100 101 102.G & S: Development, administration, and management of customer loyalty programs; Marketing, advertising and promotional services for others; Providing information in the field of branding, marketing, and advertising for others; collection and provision of market research and market research information; Collection, provision and analysis of market research data and statistics; business marketing and advertisement services; developing marketing strategies and marketing concepts for others; provision of marketing reports; customer relationship management; Providing information in the field of customer engagement, attitudes, and behaviours; Customer research; Providing advice relating to the analysis of customer buying habits; Brand management services; brand campaign services; brand architecture services; brand strategy, development and design services; social media strategy, development and design services; Business consultation, namely, consultation in the field of customer engagement, experience, motivation, and loyalty, and frequency of customer communication and transaction; design, development, execution and maintenance of customer acquisition, customer retention, and brand advocacy programs which promote the sale of goods and services of others; Providing information in the field of branding and marketing via a website; consultancy, advice and information relating to all the aforementioned services
- IC 042. US 100 101.G & S: Website design and development services; creative design services; Online non-downloadable software for customer relationship management, customer loyalty programs, customer engagement, and customer experience; online non-downloadable software for developing, managing, administrating, and monitoring performance of loyalty and incentive programs; online non-downloadable software for customer tracking, customer profiling, tracking customer engagement, customer acquisition, customer retention, customer information, and monitoring, tracking, and profiling consumer activities; online non- downloadable software for communicating with customers, and customer social engagement; online non-downloadable software for communicating with customers; online non- downloadable software for directed marketing and advertising; Online non-downloadable software for providing employee information, and monitoring and tracking of employee activities and performance; online non-downloadable software for employee training, development, and experience; online non-downloadable software for educational programming in the field of employee performance; Online non-downloadable software for employee learning management; Online non-downloadable software for brand advocacy programs; online non-downloadable software for marketing and advertising the goods and services of others; online non- downloadable software for developing and managing a website; online non-downloadable software for electronic commerce; Online non-downloadable software for facilitating interaction and communication between humans and artificial intelligence (AI); online non-downloadable software, namely, an interpretive interface for facilitating interaction between humans and machines; online non-downloadable chatbot software; Online non-downloadable software for security and fraud management; Online non-downloadable software for data processing, management and analytics;

Providing all the aforementioned via a website; consultancy, advice and information relating to all the aforementioned services

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Design Code

Serial Number

97271473

Filing Date

20220217

Current Filing Basis

1B;44D

Original Filing Basis

1B;44D

Publication for Opposition Date

Registration Number

Date Registered

Owner

(APPLICANT) BOND BRAND LOYALTY INC. CORPORATION CANADA 6900 Maritz Drive Mississauga CANADA L5W1L8

Priority Date

20220215

Disclaimer Statement

Description of Mark

The mark consists of the term "BOND." in a stylized font.

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

DANIEL L. HOPPER

(4) STANDARD CHARACTER MARK

BOND

Mark Punctuated

BOND

Translation

Goods/Services

- IC 009. US 021 023 026 036 038.G & S: Wearable communications apparatus, namely, smartwatches, bracelets; wearable activity trackers; wearable video display monitors; portable device and apparatus, namely portable wearable bracelet, smartwatch for transmission or production of colours, sounds and images for interaction among users; apparatus for adaption and transformation of signals, namely, magnetically encoded identification bracelets, smartwatches, touch sensing apparatus; apparatus for distant control, localisation, thermal measurements and recognition through air; downloadable software to enable users to securely interact among themselves; downloadable software for ensuring privacy security in wearable devices; downloadable software for signal transmission; downloadable communication software; downloadable communication software for use in wearable devices; downloadable application software for operating wearable activity trackers; downloadable application software for use in operating wearable devices; downloadable sensory software for sensing and transmitting vibration; downloadable sensory software for use in operating wearable devices; downloadable software applications, namely, for wearable device management; downloadable software applications for use in wearable devices, namely, device management and updates; downloadable mobile device management software for updated and managing mobile devices; downloadable mobile device management software for use in updating and managing wearable devices; downloadable computer programs for operating and connecting with social interaction and safety systems; downloadable operating software programs; downloadable operating mobile applications for signal-based services registered or stored on data or computer carriers, equipment for information technology; computer hardware for signal-based services; downloadable software applications for interacting with mobile devices; downloadable computer application software for connecting with wearable computer devices
- IC 014. US 002 027 028 050.G & S: Goods in precious metals and their alloys, namely, bracelets, necklaces, ornaments in the nature of the jewellery, jewels, cufflinks and tie clips; jewels; cuff links and tie clips; watches; bracelets; necklaces; pendants; rings in the nature of jewellery; ring bands in the nature of jewellery; chronometric and horological instruments and watch straps; jewellery plated with precious metals; cases and boxes adapted for holding bracelets, necklaces, watches and jewellery
- IC 042. US 100 101.G & S: Electronic data storage and data backup services; creating website-based indexes of information, websites, portable devices, and other information sources for others using information technology services; Software as a Service (SaaS) featuring software enabling secure interaction among users; Software as a Service (SaaS) for use in operating wearable devices; Platform as a Service (PaaS) featuring software for storing and retrieving electronic data; Platform as a Service [PaaS] featuring software for the activation of vibration sensors for use in wearable devices; design and development of data processing tools; design and development of data processing tools for use in wearable devices; providing technological information relating to development of new products for others in the nature of hosting digital content, namely, wearable devices and communication; software design and development; software design and development for wearable devices; updating and maintenance of

computer software; information technology services relating to wearable devices and communication; design and development of wearable devices; writing of computer programs for wearable devices; compilation of data-processing programs for research purposes in the field of communication; compilation of data-processing programs for research purposes in the field of wearable devices; information and advisory related to all of the aforesaid services

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

79316492

Filing Date

20201209

Current Filing Basis

66A

Original Filing Basis

66A

Publication for Opposition Date

Registration Number

Date Registered

Owner

(APPLICANT) Impossible Labs Limited limited company (ltd.) UNITED KINGDOM Flat 3, 17-18 Clere Street London EC2A 4LJ UNITED KINGDOM

Priority Date

20200610

Disclaimer Statement

Description of Mark

Type of Mark

TRADEMARK. SERVICE MARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Richard S. Finkelstein

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 16, 2023 for
U.S. Trademark Application Serial No. 97657393

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, [TSDR](#), to confirm that it appears under the “Documents” tab, or contact the [Trademark Assistance Center](#).
- **[Hiring a U.S.-licensed attorney](#)**. If you do not have an attorney and are not required to

have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.